IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.6360 OF 2005
IN
FIRST APPEAL ST.NO.14312 OF 2005
WITH
CIVIL APPLICATION NO.5802 OF 2005
WITH
CIVIL APPLICATION NO.6361 OF 2005
IN
FIRST APPEAL ST.NO.14317 OF 2005

Smt.Sudha Pramod Chavan & Ors. ..Applicants.

V/s.

Mrs. Megha Prakash Tawde. ..Respondent.

Mr.J.R.Nayak for applicants.

Mr. G.N.Salunke for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 3, 2006.

P.C. :

1. Heard.

2. These applications were heard on 7th February, 2006. Delay in filing appeal as computed by the office is 135 days. After hearing counsel for the parties, the applicants were apprised that there was no explanation in the applications for the time spent in filing the appeals beyond the limitation. By way of indulgence, applicants were granted liberty to file further affidavit, if they so desired.

Pursuant to the liberty, further affidavit of Smt.Sudha Pramod Chavan is filed on record which is sworn on 13th February, 2006. The only explanation about delay as can be discerned is from paragraph-9 of the affidavit which reads thus:

> "9. That the judgements of the Special Civil Suit No.141/2000 and the Special Civil Suit No.190/2000 has decided together on 30th September 2004 and on applying for certified copies of both the suits on same day, the Certified copies had received on 30th October 2004. The both First Appeals had registered on dated 21st June 2005. The total period of delay counts, from 31st October 2004 to dated 20th June 2005 to 233 days and Total Days under exemption counts 99 days as follows.
>
> i. High Court Holidays...
>
> a.winter 8th Nov.to 20th Nov.2004 ..13 days
> b.Christmas 24th Dec.04 to 8th Jan.05..16 days
> c.Summer 9th May 05 to 5th June 05..28 days.
> TOTAL 57 DAYS.
>
> ii. Sunday ....
>
> a. October 2004..31st 1 day
> b. November 2004..7th,21st,28th 3 days
> c. December 2004..5th,12th,19th 3 days
> d. January 2005..9th, 16th,23rd, 30th 4 days
> e. February 2005..6th,13th,20th, 27th days
> f. March 2005..6th, 13th, 20th,27th 4 days
> g. April 2005..3rd, 10th, 17th, 24th 4 days
> h. May 2005.. 2 days
>
> TOTAL 25 days.
>
> iii. Second and Fourth Saturdays
>
> a. November 2004..27th 1 day.
> b. December 2004..11th 1 day.
> c. January 2005..22nd 1 day.
> d. February 2005..12th, 26th 2 days
> e. March 2005..12th, 26th 2 days

f. April 2005.. 9th, 23rd		2 days
	TOTAL	9 DAYS

iv. Public Holidays...

a. November 2004...26th	1 day.
b. January 2005.. 21st, 26th	2 days
c. February 2005.. 19th	1 day
d. March 2005.. 8th, 25th	2 days
e. April 2005..14th, 18th	2 days
TOTAL	8 DAYS"

Once again, no attempt has been made to explain as to what prevented the applicants to file the appeal within limitation period after the certified copy was received on 30th October 2004. In other words, the applicants have not only failed to offer satisfactory explanation but in my view, have not offered any explanation at all. Hence dismissed.

3. In view of this order, nothing survives in civil application No.6361 of 2005. Disposed of accordingly.